

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

JOSHUA DUNN, # 412303,

Plaintiff,

v.

JAMES GRAY, *et al.*,

Defendants.

No.: 3:16-CV-033-TAV-HBG

MEMORANDUM OPINION

This pro se prisoner's civil rights action filed under 42 U.S.C. § 1983 is before the Court upon Plaintiff's failure to comply with the Amended Scheduling Order entered on July 27, 2016 [Doc. 44]. That Order provided that Plaintiff was to file his Pretrial Narrative Statement on or before February 22, 2017 [*Id.* ¶ 3], and Plaintiff was forewarned in the prior Scheduling Order that, unless he complied with that filing deadline, his case would be dismissed [Doc. 41 ¶ 6]. The filing deadline has passed, and Plaintiff has failed to file his Pretrial Narrative Statement.

Accordingly, this action will be **DISMISSED** for Plaintiff's failure to prosecute and to comply with the orders of the court. Fed. R. Civ. P. 41(b). Given the reason for this dismissal, the Court will **CERTIFY** that any appeal taken in this matter would not be taken in good faith. 28 U.S.C. § 1915(a)(3). Thus, should Plaintiff file a notice of appeal, he must also submit an application for leave to proceed *in forma pauperis* on appeal and a certified copy of his inmate trust account statement for the six months preceding the filing of the notice of appeal. 28 U.S.C. § 1915(a)(2). The Clerk will be **DIRECTED** to **CLOSE** this case.

IT IS SO ORDERED.

s/ Thomas A. Varlan

CHIEF UNITED STATES DISTRICT JUDGE